



Iowa Board of Pharmacy

August 31, 2021 Minutes

Members Present

Gayle Mayer, Vice-Chair
Erik Maki
Jim Mennen
Dane Nealson
Joan Skogstrom (morning session only)
Kathy Stone

Mitchell Barnett, Associate Director of PMP
Laura Steffensmeier, Assistant Attorney General
Melissa Carstens, PMP Associate Administrator
Becky Carlson, IMP3 Case Manager

Members Absent

Brett Barker, Chair
Sherill Whisenand

Staff Present

Andrew Funk, Executive Director
Therese Witkowski, Executive Officer
Amanda Woltz, Administrative Assistant

Compliance Officers

Sue Mears
Jim Wolfe
Dan Sedlacek
Mark Mather
Christie Carlson
Curtis Gerhold
Jennifer Tiffany
Jean Rhodes

Call to Order

At 9:02 a.m., on Wednesday, August 31, 2021, Gayle Mayer, called the meeting of the Iowa Board of Pharmacy to order.

Closed Session

At 9:04 a.m., on a motion by Dane Nealson, second by Erik Maki, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code section 21.5(1)(a), to review or discuss records which are required or authorized by state or federal law to be kept confidential; pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; and pursuant to Iowa Code section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of Iowa Code chapter 17A.

At 11:58 a.m., the Board returned to open session. In open session the following actions were taken:

1. July 14, 2021 Closed Session Minutes

Motion by Erik Maki, second by Jim Mennen, to approve the closed session minutes from the July 14, 2021 meeting as presented. Dane Nealson abstained. Motion passed unanimously.

2. Combined Statement of Charges, Settlement Agreement, and Final Order

Motion by Dane Nealson, second by Jim Mennen, to approve the Combined Statement of Charges, Settlement Agreement, and Final Order in the following cases. Motion passed unanimously.

- A. 2020-0174 Walgreens Pharmacy 16528, License 1596, Des Moines
- B. 2021-0080 Cherrie Christopher, CPhT, Registration 22126, Decorah

3. Combined Statement of Charges, Settlement Agreement, and Final Order

Motion by Dane Nealson, second by Erik Maki, to approve the Combined Statement of Charges, Settlement Agreement, and Final Order in the following cases. Motion passed unanimously.

- A. 2021-0060 Boone County Hospital, License 472, Boone

4. Settlement Agreement and Final Order

Motion by Dane Nealson, second by Erik Maki, to approve the Settlement Agreement and Final Order in the following cases. Motion passed unanimously.

- A. 2021-0102 Danielle Naughton, CPhT, Registration 4083, DeWitt
- B. 2020-0049 & 2020-0152 Brandon Iacobo, RPh, License 22545, La Crosse, WI
- C. 2020-0142 Medical Home Pharmacy, License 4909, Trenton, NJ

5. Closed with No Further Action

Motion by Dane Nealson, second by Erik Maki, to close with no further action the following investigative files in complaint numbers: 2020-0124, 2021-0084, 2021-0087, 2021-0088, 2021-0109, 2021-0040, 2021-0141, 2021-0130, and 2021-0140. Motion passed unanimously.

6. Closed with No Further Action

Motion by Dane Nealson, second by Erik Maki, to close with no further action the following investigative files in complaint numbers: 2021-0075, 2021-0085, 2021-0118, 2021-0123 and 2021-0132. Jim Mennen abstained. Motion passed unanimously.

7. Administrative Warning

Motion by Dane Nealson, second by Jim Mennen, to issue Administrative Warnings to the respondents in the following investigative files in complaint numbers: 2021-0127, 2021-0128, and 2021-0092. Motion passed unanimously.

8. Administrative Warning

Motion by Dane Nealson, second by Erik Maki, to issue Administrative Warnings to the respondents in the following investigative files in complaint numbers: 2021-0076, and 2021-0122. Jim Mennen abstained. Motion passed unanimously.

9. Letter of Education

Motion by Erik Maki, second by Jim Mennen, to issue letters of education to the respondents in the following investigative files in complaint numbers: 2021-0011. Motion passed unanimously.

10. Letter of Education

Motion by Dane Nealson, second by Erik Maki, to issue letters of education to the respondents in the following investigative files in complaint numbers: 2021-0107. Jim Mennen abstained. Motion passed unanimously.

11. Voluntary Surrender

Motion by Dane Nealson, second by Erik Maki, to accept the voluntary surrender in the following investigative files in complaint numbers: 2021-0131. Motion passed unanimously.

12. Settlement Authority for Multistate Litigation involving Opioid Distributors and Manufacturer

Motion by Dane Nealson, second by Erik Maki, to authorize the Governor to execute settlements that include the release of claims within the Board's jurisdiction to resolve the multistate litigation involving opioid distributors and manufacturer Johnson & Johnson and to encourage consideration of the Board's eligible projects for use of funds received pursuant to the settlements.

Joan Skogstrom left the meeting.

Lunch

Call to Order

At 1:01 p.m., Gayle Mayer, called the open session meeting of the Iowa Board of Pharmacy to order.

Public Comment Period

No comments

Approval of Minutes

1. July 14, 2021 Open Session Minutes

Motion by Erik Maki second by Jim Mennen, to approve the Open Session Minutes of the July 14, 2021 meeting as presented. Dane Nealson abstained. Motion passed unanimously.

Requests

1. Request to waive 657 IAC 3.9(2) limiting a technician trainee registration to 12 months – Callista Spicer, Technician Trainee registration 30001, Rock Island, IL

Motion by Kathy Stone, second by Jim Mennen, to grant an extension of the technician trainee registration to November 30, 2021 to allow Ms. Spicer the ability to work while waiting for the next opportunity to retake the national certification exam. Motion passed unanimously.

2. Request to waive 657 IAC 6.10(1) and 657 IAC 20.19(1) requiring the label of a compounded preparation to include the name and concentration of each active ingredient - NuCara Pharmacy #1, Pharmacy license 1647, Coralville

Motion by Erik Maki, second by Dane Nealson, to approve the request to September 1, 2026. Motion passed unanimously.

Petition for Exemption from the Mandate for Electronic Transmission of Prescriptions

1. Abben Cancer Center of Spencer Hospital

Motion by Kathy Stone, second by Dane Nealson, to approve the exemption to December 31, 2021. Motion passed unanimously.

License/Registration Applications

1. Pharmacist License Applicant – Maggie Mumm, Omaha NE

Motion by Erik Maki, second by Jim Mennen, to offer the applicant licensure by consent agreement. Motion passed unanimously

Reports & Informational Items

1. Executive Director's Report

Staffing

- Compliance officer, Dan Sedlacek is retiring from the Board. This is Dan's last Board meeting. Jean Rhodes will be covering his territory for calls/inquiries/investigations until his replacement has been identified.
- The job opening for Dan's position closed on August 26, 2021. The Board received 8 applicants. Those applications are in the process of being reviewed and assessed. Interviews will be held in the coming weeks.

Staff Anniversaries

- Compliance officer, Christie Carlson has been with the Board for four years and started August 11, 2017.
- Administrative Assistant, Becky Carlson has been with the Board three years and started August 27, 2018

Nominations and Appointments

- Director Funk was appointed to serve as chair of the NABP Task Force on State Oversight of Drug Importation. The taskforce will meet in Mount Prospect, IL on September 20-21, 2021.

Licensing

- Pharmacists:
Total current/active status = 4,970
New licensees 1/1/2021 to 8/30/2021 = 197
New licensees 7/1/2021 to 8/30/2021 = 122
(One license with pending status)
- Interns:
Total current/active status = 926

New licensees 1/1/2021 to 8/30/2021 = 130

New licensees 7/1/2021 to 8/30/2021 = 84

(Zero registrations with pending status)

2. Meetings and Travel

- NABP District 1-2 in Annapolis, MD September 7-10, 2021
- IMP3 Meeting..... September 8, 2021
- IPA Virtual House of Delegates September 14, 2021
- IPA Annual Meeting Virtual September 23-24, 2021
- NABP Executive Officer Meeting Mt. Prospect, IL September 28-29, 2021
- National Technician Day October 20, 2021
- FDA Intergovernmental Meeting on Compounding Virtual October 26-27, 2021
- Next Board meeting..... November 9-10, 2021

3. Legal Update

The Board has one case pending in Polk County District Court. The Empower Pharmacy final Order is under judicial review and a determination is anticipated to be made in December 2021 or January 2022.

4. Prescription Monitoring Program (PMP) Update

Mitch Barnett provided a program update.

PMP Integrations

- In state chain pharmacies 6
- In state independent pharmacies..... 23
- Nonresident pharmacies 90
- Clinics/physician offices within Iowa 222
- Clinics/physician offices outside of Iowa..... 184
- Iowa hospitals..... 52
- Hospitals outside of Iowa 66
- Notable Recent Additions
 - Greenwood Drug
 - Iowa Falls Hospital (Hansen Family Hospital)
 - Family Physicians of Cedar Rapids

Quarterly Prescriber Activity Reports

- 10,800 prescriber reports were sent in July 2021. Starting in July 2021 the reports will no longer be provided via PDF. Instead prescribers will receive an email that provides login instructions to retrieve their report from AWARe.

Pharmacist Narcan® Dispensing Program

- From July 1, 2020 to August 15, 2021 the Pharmacist Narcan® Dispensing Program has had 1,618 fills with 1,585 unique patients.

Pharmacist Disposal Kit Dispensing Program

- From July 1, 2021 to August 15, 2021 the Pharmacist Disposal Kit Dispensing Program has had 1,568 fills for 1,359 unique patients.

Iowa PMP in the News

- Mitch was interviewed for the Pharmacist Disposal Kit Dispensing Program by KGAN news
- Mitch is also scheduled to interview with Pharmacy Times

5. Board-Sponsored Medication Disposal Update

Melissa Carstens provided a program update.

Integration Funding – 33 entities accepted continued funding for a second year. 93 entities were integrated in 2020 bringing the total of integrated entities to over 200.

6. Iowa Monitoring Program for Pharmacy Professionals (IMP3) Update

Becky Carlson provided a program update. The last meeting of the IMP3 Committee was June 2, 2021. The program has a total of 15 participants with 5 new self-reports.

7. Compliance Report

Christie Carlson provided a compliance update. Compliance is currently working to update the territory distribution. Compliance officer Jean Rhodes and Christie Carlson will split the state for compounding and nuclear pharmacies, hospitals, and veterinarians. Compliance officers have completed various projects, approximately 100 inspections in the past few months, and educational programs from the FDA, DEA, meetings about legislative priorities, meetings about updating the Pharmacy Practice Act, and administrative trainings.

8. CDC Report: Rapid Increase in Ivermectin Prescriptions and Reports of Severe Illness Associated with Use of Products Containing Ivermectin to Prevent or Treat COVID-19

Informational Item.

Rules and Legislation

1. Proposed for adoption and filing to amend Chapter 6, "General Pharmacy Practice," to provide conforming language relating to the terminology used in relation to deaf and hard-of-hearing persons (ARC 5704C)

Motion by Kathy Stone, second by Dane Nealson, to adopt. Motion passed unanimously.

2. Proposed for adoption and filing to amend Chapter 10, "Controlled Substances," to temporarily amend Iowa Code to add 15 substances to Schedule I and exclude one substance from Schedule II in response to scheduling action taken by federal DEA (ARC 5705C)

Motion by Dane Nealson, second by Jim Mennen, to adopt. Motion passed unanimously.

3. Proposed for Notice of Intended Action to amend Chapter 39, "Expanded Practice Standards," relating to collaborative practice agreements between pharmacists and Iowa-licensed prescribers and the minimum required elements for such agreements

The proposed amendment updates a board rule relating to collaborative pharmacy practice agreements between pharmacists and Iowa-licensed prescribers who have independent prescribing authority which identifies the minimum required elements of such agreements.

Motion by Erik Maki, second by Jim Mennen, to file for Notice of Intended Action. Motion passed unanimously

4. Proposed for Board approval of statewide protocol for point-of-care test and treat for acute influenza infection

Motion by Erik Maki, second by Kathy Stone, to approve the statewide protocol for point-of-care test and treat for acute influenza infection as presented. Motion passed unanimously.

5. Proposed for Board approval of statewide protocol for point-of-care test and treat for acute group A streptococcal (GAS) pharyngitis infection

Motion by Erik Maki, second by Dane Nealson, to approve the statewide protocol for point-of-care test and treat for acute group A streptococcal (GAS) pharyngitis infection as presented. Motion passed unanimously

6. Board discussion of legislative priorities for 2022 Legislative Session of the 89th General Assembly

Director Funk presented several policy considerations that will need to be fixed legislatively. The provision in code that allowed for the utilization of nurses in pharmacies to administer vaccines expired in 2021. Currently, the only authority is through a statewide protocol. The delegation to nurses no longer exists. The nurse will now need to registration as a technician trainee that places them under the pharmacist jurisdiction which allows the pharmacist to delegate the technical function to administer vaccines.

There will be at least one controlled substance bill to align with federal reclassifications and scheduling.

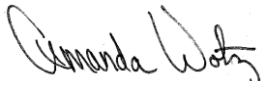
Finally, the Board is hoping to be able to amend chapter 124 to change how the PMP advisory council members are established and appointed. The code has not be reviewed since 2007 or 2008. Recently, the Board has had difficulties getting a quorum for PMP meetings. The Board would like to change the authority to appoint members from the Governor to the Board and allow for a more diverse collection of members.

New Business

1. Proposed for Board approval to enter into the Memorandum of Understanding Addressing Certain Distributions of Compounded Human Drug Products between the Iowa Board of Pharmacy and the U.S. Food and Drug Administration

Motion by Kathy Stone, second by Dane Nealson, to approve the Board entering into the FDA MOU.

At 2:07 p.m., motion by Dane Nealson, second by Jim Mennen, to adjourn. Motion approved unanimously.



Amanda Woltz, Administrative Assistant and Recording Secretary



Andrew Funk
Executive Director



Brett Barker
Board Chair

APPROVED THIS 10th DAY OF November, 2021